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SUBJECT: CANADA: AG MUKASEY'S MEETING WITH MINISTER OF  
JUSTICE NICHOLSON AT THE CROSS BORDER CRIME FORUM, QUEBEC  
CITY, MARCH 18, 2008

REF: A. OTTAWA 319  
1B. OTTAWA 360

11. (SBU) Summary: In a meeting with Attorney General Mukasey on the margins of the Cross Border Crime Forum March 18 (septel), Canadian Justice Minister Nicholson said that with its initial law and order agenda of strengthened gun laws, changes to the special advocate system for non-citizen terrorist suspects, and anti-terrorism legislation nearing completion, Canada will move next further to strengthen its drug laws and to improve work on cybercrime. He described the Shiprider program as a "perfect fit," confirming that Canada would make whatever legislative changes are necessary to make it work. Both sides expressed interest in expediting the MLAT process. End Summary.

12. (SBU) Attorney General Mukasey met with Justice Minister Nicholson on the margins of the Cross Border Crime Forum in Quebec City March 18. Canadian Ambassador to the U.S. Wilson and U.S. Ambassador to Canada Wilkins were also in attendance. Nicholson described the very busy law and order agenda of the Conservative government under Prime Minister Stephen Harper, including recent changes to the criminal code that require mandatory minimum sentences for gun crimes and restrict bail for accused gun offenders (ref a). He noted that the government had also taken a number of initiatives to make the border more secure. Nicholson underscored that PM Harper came to power with a very strong law and order mandate and intends to continue to push for safer streets and better cross border security.

SECURITY CERTIFICATES

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13. (SBU) Nicholson described the Special Advocate system (ref b) that the government had revised in order to overcome a Supreme Court ruling against Canada's long-standing Security Certificate regime, under which non-citizens may be detained and deported for terrorist ties or national security violations. (Parliament passed this new legislation in February 2008.) A pre-selected group of attorneys with security clearances now serve as Special Advocates to review the evidence against accused terrorists without compromising sensitive information. He also explained that the law rules out the use of evidence obtained through torture, especially waterboarding.

## STRONG SUPPORT FOR SHIPRIDER

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**14.** (SBU) Nicholson said that the next steps on the government's law and order agenda would include integrated cross-border maritime law enforcement operations (ICBMLEO), or "Shiprider," which he described as a "perfect fit" for the future direction of U.S. - Canada law enforcement cooperation. He said that Canada would make "whatever legislation changes are required" to implement this program. Canadian Ambassador Wilson pointed out that the minority government must be extremely careful about such legislation, which could be controversial because of heightened sovereignty concerns; if the government makes one misstep, it could fall on a confidence vote in the House of Commons. However, Nicholson reiterated that the government has made clear that it will be assertive on law and order, and PM Harper has a good deal of political will - and public support QHarper has a good deal of political will - and public support - to do so.

## NEXT STEPS ON LAW AND ORDER AGENDA

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**15.** (SBU) In addition to implementing the new Shiprider program, the government will push for stronger drug laws, with the message that, if people are growing, importing, or selling illicit drugs, they will do "serious" jail time, according to Nicholson. He expressed the conviction that this is "the right message" for Canadians, and will be more welcome than the decriminalization of marijuana that the previous government sought. . Cybercrime, Nicholson added, would also be on the legislative agenda for the coming Parliamentary session, with a broad approach to internet

crimes and id theft. He said that much of what the government was doing on internet crime is just to stay even with criminals, who often have greater sophistication than law enforcement. He noted that Canada has had good cooperation with internet service providers, which usually respond favorably to requests with a warrant. In response to the AG raising a concern with Canada's inability to legally preserve perishable electronic evidence, Nicholson admitted that the process is often too slow to preserve evidence, but said the government is working on improvements to the system which will close this loophole. Nicholson cautioned that, because of the government's minority status, such legislative action could take time, noting that Parliament took two years to pass the firearms law.

## IMPROVING THE MLAT PROCESS

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**16.** (SBU) Minister Nicholson and AG Mukasey also discussed the Mutual Legal Assistance Treaty (MLAT) and extradition process. The AG commented that, from his time as a judge, he learned how slow the extradition process could be, and wondered if there might be a way to shorten it or improve the way we work on such cases. Nicholson said that his department receives requests each week and acts on them quickly. Nicholson also noted that the CBCF had a sub-group working on the MLAT question, which had developed a CD with essential documents and procedures for distribution to key players. He expressed the hope that this would help by ensuring all players have the essential information.

**17. (U)** This cable has been cleared by the AG's party.

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WILKINS